

1 WILLIAM A. ISAACSON (*Pro Hac Vice*)
(wisaacson@bsfllp.com)
2 STACEY K. GRIGSBY (*Pro Hac Vice*)
(sgrigsby@bsfllp.com)
3 NICHOLAS A. WIDNELL (*Pro Hac Vice*)
(nwidnell@bsfllp.com)
4 BOIES, SCHILLER & FLEXNER LLP
5 5301 Wisconsin Ave, NW, Washington, DC 20015
6 Telephone: (202) 237-2727; Fax: (202) 237-6131

7 RICHARD J. POCKER #3568
(rpocker@bsfllp.com)
8 BOIES, SCHILLER & FLEXNER LLP
300 South Fourth Street, Suite 800, Las Vegas, NV 89101
9 Telephone: (702) 382 7300; Fax: (702) 382 2755

10 DONALD J. CAMPBELL #1216
(djcc@campbellandwilliams.com)
11 J. COLBY WILLIAMS #5549
(jcw@campbellandwilliams.com)
12 CAMPBELL & WILLIAMS
13 700 South 7th Street, Las Vegas, Nevada 89101
14 Telephone: (702) 382-5222; Fax: (702) 382-0540

15 *Attorneys for Defendant Zuffa, LLC, d/b/a*
16 *Ultimate Fighting Championship and UFC*

17 UNITED STATES DISTRICT COURT
18 DISTRICT OF NEVADA

19
20 Cung Le, Nathan Quarry, Jon Fitch, Brandon
21 Vera, Luis Javier Vazquez, and Kyle
Kingsbury on behalf of themselves and all
others similarly situated,

22 Plaintiffs,

23 v.

24 Zuffa, LLC, d/b/a Ultimate Fighting
25 Championship and UFC,

26 Defendant.

Case No.: 2:15-cv-01045-RFB-(PAL)

**DECLARATION OF STACEY K.
GRIGSBY IN SUPPORT OF ZUFFA,
LLC'S MOTION TO SEAL PORTIONS
OF ZUFFA'S OPPOSITION TO
PLAINTIFFS' MOTION TO
CHALLENGE WORK PRODUCT
DESIGNATION AND RELATED
EXHIBITS**

1 I, Stacey K. Grigsby, declare as follows:

2 1. I am an attorney admitted to practice before the courts in the states of New York
3 and the District of Columbia and am admitted Pro Hac Vice to practice before this Court. I am
4 Counsel in the law firm Boies, Schiller & Flexner LLP, and represent Defendant Zuffa, LLC
5 (“Zuffa”) in this case.

6 2. I make this declaration in support of Zuffa’s Motion to Seal Portions of Zuffa’s
7 Opposition to Plaintiffs’ Motion to Challenge Work Product Designation and Related Exhibits.
8 Based on my review of the files and records in this case, I have firsthand knowledge of the
9 contents of this declaration and could testify thereto.

10 3. Zuffa seeks to file under seal 12 exhibits identified as Exhibits A-L to the
11 Declaration of Stacey K. Grigsby In Support of Zuffa’s Opposition to Plaintiffs’ Motion to
12 Challenge Work Product Designation as well as portions of Zuffa’s Opposition and portions of
13 the Declarations of Kirk D. Hendrick, William Hunter Campbell, and Stacey K. Grigsby. This
14 declaration is submitted to provide the factual and legal support for the filing of this material
15 under seal.

16 4. Federal Rule of Civil Procedure 26(c) provides that the Court may “issue an order
17 to protect a party or person from annoyance, embarrassment, oppression or undue burden or
18 expense” by “requiring that a trade secret or other confidential research, development, or
19 commercial information not be revealed or be revealed only in a specific way.” Further, “[c]ourts
20 generally accept attorney-client privilege and the work-product doctrine as a ‘compelling reason’
21 justifying a motion to seal.” *Hanson v. Wells Fargo Home Mortg., Inc.*, No. C13-0939JLR, 2013
22 WL 5674997, at *3 (W.D. Wash. Oct. 17, 2013) (citation omitted); *see also Asdale v. Int’l Game*
23 *Tech.*, No. 3:04-cv-703-RAM, 2010 WL 2161930, at *5 (D. Nev. May 28, 2010) (accepting
24 attorney-client privilege and the work-product doctrine as both good cause and a compelling
25 reason to seal nondispositive and dispositive motions respectively); *JL Beverage Co., LLC v.*
26 *Beam, Inc.*, No. 2:11-cv-00417-MMD-CWH, 2014 WL 5017862, at *3 (D. Nev. Oct. 7, 2014)
27 (sealing portions of motion and certain exhibits “to protect against disclosure of attorney-client
28 privilege and attorney work-product information”).

1 5. Public disclosure of Exhibits A-F would expose Zuffa's counsel's work product as
2 to the litigation that was anticipated that led to the creation of the work product documents.

3 6. Public disclosure of Exhibits G, H and I would expose the nature of the underlying
4 project conducted by the third-party consultant at the request of counsel in anticipation of
5 litigation.

6 7. Exhibit K is a document substantively identical to ECF 282-6, which this Court
7 ordered to be sealed because it contained confidential information. ECF 293.

8 8. Exhibit J and L contain confidential communications from a third-party consultant
9 to Zuffa regarding a proposed analysis project including the specific details of the nature of the
10 project and the methodology that would be used to conduct it.

11 9. Paragraphs 3-15 of the Campbell Declaration reflect Zuffa's outside counsel's
12 thought processes regarding the litigation that was anticipated, litigation preparation that needed
13 to be done, and the specific nature of the type of work that was commissioned at the request of
14 counsel.

15 10. Paragraphs 2-5 of the Hendrick Declaration disclose the litigation that Zuffa's
16 outside counsel anticipated that led to the creation of the work product material as well as
17 confidential information about a business study Zuffa commissioned a third-party to conduct.

18 11. Paragraphs 3-10 of the Grigsby Declaration in Support of Zuffa's Opposition to
19 Plaintiffs' Motion to Challenge Work Product Designation reflect the litigation that Zuffa's
20 outside counsel anticipated that led to the creation of the work product material and details
21 regarding the work product material created.

22 12. Zuffa also seeks to seal the designated portions of Zuffa's Opposition to Plaintiffs'
23 Motion to Challenge Work Product Designation that have been redacted in the public filing,
24 which contain references to Zuffa's confidential information and/or information protected from
25 disclosure by the attorney work product doctrine.

26 13. It is my understanding that Zuffa treats as confidential and has taken substantial
27 measures to preserve the confidentiality of analysis projects that it has contemplated pursuing and
28 has conducted. Zuffa also works to protect work-product information from public disclosure.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing facts are true and correct. Executed this 19th day of September, 2016, in Washington,
3 DC.

4 /s/ Stacey K. Grigsby

5 Stacey K. Grigsby
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28